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10/786,683	02/25/2004	Olaf Kautz	112740-952	3008
29177 7590 03/17/2008 BELF., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
PATEL, HEMANT SHANTILAL				
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2614				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/786,683

**Applicant(s)**

KAUTZ ET AL.

**Examiner**

HEMANT PATEL

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 2, 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bao (US Patent Application Publication No. 2004/0196826 A1).

***Regarding claim 1***, Bao teaches of a method for changing between a packet-oriented PTT session and a circuit-oriented telephone connection as two selectable communication connections between at least one first connected radio communication appliance and at least one second connected radio communication appliance in a radio communication system (Fig. 1), the method comprising:

selecting and setting up a first of the two communication connections ***by*** at least ***one of the at least one connected radio communication appliance***(mobile station) and at ***least one control unit in a radio network in the radio communication system (PCF)*** (Paragraph 0083, setting up a first communication session involving mobile station and PCF in PDSN); and

changing from the first communication connection, which has already been set up, to a second of the two communication connections under control of at least one of

the radio communication appliance which is connected to the first communication connection and a first control unit in the radio network in the radio communication system which is connected to the first communication connection by activating the second communication connection while the first communication connection still exists (Paragraph 0084-0090, 0097, normal voice call is established while original PPP for PTT session is still active in PDSN) (Figs. 1-6 and their descriptions).

**Regarding claim 3**, Bao teaches of the method, wherein at least one of the first and the second radio communication appliance is connected to the first communication connection, which has already been set up, sends the first control unit which is responsible for the first communication connection at least one control signal which is used to notify the first control unit of a need for at least one the first and the second radio communication appliances to change from the first communication connection to the second communication connection (Fig. 5 step S103).

**Regarding claim 4**, Bao teaches of the method, wherein at least one of the first and the second radio communication appliance is connected to the first communication connection, which has already been set up, sends a second control unit which is responsible for the second communication connection, which needs to be set up, at least one control signal which is used to notify the control unit of a need for at least one of the first and the second radio communication appliances to change from the first communication connection to the second communication connection (Paragraph 0085 initiating normal voice call).

**Regarding claim 5**, Bao teaches of the method, wherein the first control unit connected to the first communication connection, which has already been set up, sends a control signal (signal similar to Fig. 5 step 106 signal) relating to a need for at least **one of the first** (Fig. 5 item 3) and the second *radio communication appliances* to change to a second control unit which is responsible for activating and setting up the second communication connection (Paragraph 0085 BSC/switch responsible for second normal voice call).

**Regarding claim 9**, Bao teaches of the method, wherein after the second communication connection has been established, the second communication connection is set up and maintained in parallel with the first communication connection, which has already been set up (Paragraphs 0105, 0114; using original PPP session with PDSN and also radio link for VoIP transmission).

**Regarding claim 10**, Bao teaches of PTT control switch (Fig. 1 item 37; Paragraph 0052).

**Regarding claim 11**, Bao teaches of BSC/switch (Fig. 1 items 21, 23; Fig. 5 item 21; Fig. 6 item 23).

**Regarding claim 12**, Bao teaches of a radio communication appliance for use in a method for changing between a packet-oriented PTT session and a circuit-oriented telephone connection as two selectable communication connections between the radio communication appliance and at least one further radio communication appliance in a radio communication system, comprising a control unit wherein a first of the two communication connections is selected and set up by the control unit, and a change is

made from the first communication connection, which has already been set up, to a second of the two communication connections under control of the control unit which is connected to the first communication connection by activating the second communication connection while the first communication connection still exists (Figs. 1-6 and specifically Figs. 2-3 and their descriptions).

**Regarding claim 13**, Bao teaches of a network component for use in a method for changing between a packet- oriented PTT session and a circuit-oriented telephone connection as two selectable telecommunication connections between at least one first connected radio communication appliance and at least one second connected radio communication appliance in a radio communication system, the network component comprising a control unit wherein a first of the two communication connections is selected and set up by the control unit in a radio network in the radio communication system, and a change is made from the first communication connection, which has already been set up, to a second of the two communication connections under control of the control unit in the radio network in the radio communication system which is connected to the first communication connection by activating the second communication connection while the first communication connection still exists (Figs 1, 5-6 item 37; also Figs. 1-6 and their descriptions).

**Regarding claim 14**, Bao teaches of a radio communication system (Fig. 1 item 1) having a first group of network components for selecting and providing a packet-oriented PTT session (Fig. 1 items 25, 27, 29, 31, 33, 37, 39) and a second group of network components for selecting and providing a circuit-oriented telephone connection

(Fig. 1 items 17, 19, 21, 23) as two selectable communication connections between at least one first connected radio communication appliance and at least one second connected radio communication appliance in the radio communication system (Fig. 1 items 3, 5, 7), comprising control units in each of the first and second groups of network components wherein a first of the two communication connections is selected and set up by one of the control units in a radio network in the radio communication system, and a change is made from the first communication connection, which has already been set up, to a second of the two communication connections under control of the control unit in the radio network in the radio communication system which is connected to the first communication connection by activating the second communication connection while the first communication connection still exists (Figs. 1-6 and their descriptions).

***Allowable Subject Matter***

3. Claims 2, 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim 2**, further recites the limitation wherein the first radio communication appliance uses the already set up first communication connection (packet-oriented PTT session or circuit-oriented telephone connection) to send at least one control signal to the second radio communication appliance to notify a need for the first radio communication to change from the first communication connection to the second

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communication connection (circuit-oriented telephone connection or packet-oriented PTT session correspondingly).

The closest prior art of record is Bao as applied above, which fails to teach the specific feature.

The remaining prior art of record fails to teach or fairly suggest substantially modifying Bao with this specific feature in order to arrive at the invention as claimed in detail by the applicant.

**Claim 6**, depend from the allowed claim 2.

**Claim 7**, depend from the allowed claim 6.

**Claim 8**, further recites the limitation wherein the first communication connection is cleared down and terminated after the second communication connection has been established.

The closest prior art of record is Bao as applied above teaches of maintaining both PTT and telephone connections, but fails to teach this specific feature.

The remaining prior art of record fails to teach or fairly suggest substantially modifying Bao with this specific feature in order to arrive at the invention as claimed in detail by the applicant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANT PATEL whose telephone number is (571)272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614

Hemant Patel  
Examiner  
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HSP